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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,384	12/14/2000	Daniel C. Cauchy	081862.P213	1828

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Lester J. Vincent  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

TRAN, DZUNG D

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,384

Applicant(s)

CAUCHY ET AL.

Examiner

Dzung D Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 10-11 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. U.S. patent no. 6,271,946.

Regarding claims 1, 4, 10, 16, 20 and 24, Chang discloses a method and system provide capacity efficient restoration within an optical fiber communication system comprising:

associating a first route with a first channel (figure 3B, elements  $\lambda_i, \dots, \lambda_{iN}$ ) of two or more channels in a first dense wavelength division multiplex (DWDM) link (figure 3B, element 321);

associating a second route with a second channel (figure 3B, elements  $\lambda_j, \dots, \lambda_{jN}$ ) of the two or more channels in the first dense wavelength division multiplex (DWDM) link (figure 3B, element 321);

associating a third route with a third channel (figure 3B, elements  $\lambda_k, \dots, \lambda_{kN}$ ) of two or more channels in a second dense wavelength division multiplex (DWDM) link,

the first route, the second route and the third route providing similar connections, the first DWDM link being different from the second DWDM link (figure 3B, element 322); and

selecting the third route instead of the second route as a diverse alternate route (figure 5, col. 11, lines 2-31).

Regarding claims 2, 3, 17-19, 21-23 and 25-27, Chang further discloses first physical link identifier (figure 5, element PREFERRED PATH) and a second physical link identifier (figure 5, element ALTERNATE PATH), and selecting the third route by comparing the first physical link identifier with the second physical link identifier (figure 5, col. 11, lines 2-31).

Regarding claims 5, 11, Chang clearly discloses in figures 3 and 5, the first route and the diverse alternate route provide connections to similar nodes.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. U.S. patent no. 6,271,946 in view of Asano U.S. patent no. 6,240,102.

Regarding claims 6, 7, 12 and 13, Chang differs from claimed invention in that Chang does not specific discloses first physical link identifier and a second physical link identifier are implemented with a private network to network interface (PNNI) routing protocol. Asano discloses a private network to network interface (PNNI) routing protocol (col. 2, lines 37-45, col. 9, line 27 to col. 10, line 55). Since it is well known in the art to determine the route of a connection on the basic of signaling protocol called the private network to network interface (PNNI). Therefore, it would have been obvious to an artisan at the time of the invention was made to incorporate a private network to network interface (PNNI) routing protocol of Asano in the system of Chang in order to exchange the routing information among the nodes.

Regarding claims 8, 9, 14 and 15, Asano further discloses a system a horizontal link information group and a capacities information group (figures 15, 16, col. 13, lines 4-15).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Dantu et al. U.S. patent no. 6,532,088. System and method for packet level distributed routing in fiber optic ring

b. Chaudhuri et al. U.S. patent no. 6,587,235. Method and apparatus for capacity efficient restoration in an optical communication system

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c. Chang et al. U.S. patent no. 6,545,781. High-throughput, low latency next generation internet networks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Tran whose telephone number is (703) 305-0932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Jason Chan, can be reached on (703) 305-4729.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JASON CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600